

For Clerk's Office Use		
Judge	Recd Date	Grv.

For use by inmates in filing a complaint under **CIVIL RIGHTS ACT, 42 USC §1983**

**INMATE NAME:** James Lee Cecil Jr

**PRISONER NO.:** 1529889

**PLACE OF CONFINEMENT:** Released from incarceration on 4-24-18 CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

APR 27 2018

James Lee Cecil Jr  
Enter Full Name Plaintiff

JULIA C. DUDLEY, CLERK  
DEPUTY CLERK

vs.

Doug Baker, Johnny Biliter, South **CIVIL ACTION NO.** 7:18cv192  
West Virginia Regional Jail Authority, Inc., Tim Biliter  
Enter Full Name(s) Defendant(s)

A. Have you begun other actions in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

☒ Yes ☐ No

B. If your answer to A is Yes, describe the action in the space below.

1. Parties to the Action: James Lee Cecil Jr v Michael Fleming

2. Court: Western District of Virginia

3. Docket No.: 7:17-cv-00352

4. Judge: Pamela Sargent

5. Disposition: Pending

(For example, is the case still pending? If not, what was the ruling? Was the case appealed?)

C. Have you filed any grievances regarding the facts of your complaint?

Yes ☐ No ☒

1. If your answer is Yes, complete the enclosed verified statement, indicating the result. Please attach evidence of your exhaustion of all available grievance procedures.

2. If your answer is No, indicate the reason for failure to exhaust on the verified statement. You may be required to exhaust your claims through any applicable grievance procedures. Your complaint may be dismissed if you fail to exhaust all avenues of the grievance process in a timely fashion.

- D. Statement of Claim - State here briefly the facts of your case. Describe what action(s) each defendant took in violation of your constitutional rights. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of different claims, number and set forth each claim in a separate paragraph. Use as much space as needed. You may attach extra paper if necessary.

Claim #1 - Supporting Facts - Tell your story briefly without citing cases or law.

On 2-16-2016, I was locked in a cell, roughly 60 square feet for 4 months approx. without ever being afforded the opportunity to ever come out of my cell. I was confined for 24 hours a day for approx 120 days.

Claim #2 - Supporting Facts - Tell your story briefly without citing cases or law.

Major Johnny Biliter is responsible under the doctrine of respondent superior for subjecting Plaintiff Cecil to Cruel and Unusual Punishment in accordance to the 8<sup>th</sup> and 14<sup>th</sup> Amendment to the U.S. Constitution.

Claim #3 - Supporting Facts - Tell your story briefly without citing cases or law.

Captain Doug Baker is responsible under the doctrine of respondent superior for subjecting Plaintiff Cecil to Cruel and Unusual Punishment in accordance to the 8<sup>th</sup> and 14<sup>th</sup> Amendments to the U.S. Constitution.

- E. State what relief you seek from the Court. Make no legal arguments, cite no cases or statutes.

\$150,000 jointly and severally against Captain Baker and Major Biliter, \$20,000 each against Major Biliter, Doug Baker, Officer Biliter in Punitive Damages.

SIGNED THIS 20<sup>th</sup> DAY OF April, 2018.

James L. Cecil Jr.  
(Signature of Each Plaintiff)

**VERIFICATION:**

I, James Lee Cecil Jr., state that I am the plaintiff in this action and I know the content of the above complaint; that it is true of my own knowledge, except as to those matters that are stated to be based on information and belief, and as to those matters, I believe them to be true. I further state that I believe the factual assertions are sufficient to support a claim of violation of constitutional rights. Further, I verify that I am aware of the provisions set forth in 28 USC §1915 that prohibit an inmate from filing a civil action or appeal, if the prisoner has, three or more occasions, while incarcerated, brought an action or appeal in federal court that are dismissed on the grounds that it was frivolous, malicious or failed to state a claim upon which relief may be granted, unless the prisoner is in imminent danger of serious physical injury. I understand that if this complaint is dismissed on any of the above grounds, I may be prohibited from filing any future actions without the pre-payment of filing fees.

I declare under penalty of perjury the foregoing to be true and correct.

DATED: 4-20-18  
24

SIGNED: James L. Cecil Jr.

D.) Claim #1. with no recreation. I am now suffering mental, emotional, psychological, and physical damages due to this event, and the torture of being confined in a small cell setting for 4 months. Plaintiff seeks compensatory damages for the loss of privileges and quality of life in his prison living conditions, and the loss of limited liberty enjoyed by prisoners, resulting from his segregated confinement, in that he was confined for 24 hours a day in a cell and deprived of most of his personal property, attend educational and vocational programs, watch television, associate with other prisoners, attend outdoor recreation in a congregate setting with the ability to engage in sports and other congregate recreational activities, attend meals with other prisoners, and attend religious services. In addition the cell that I was confined in was too small to exercise in. These events created an Atypical and Significant hardship on Plaintiff, which occurred from 2-16-17 till 6-15-17 at the South West Virginia Regional Jail of Haysi.

D.) claim #2, Major Johnny Biliter created a policy and/or custom under which unconstitutional practices occurred, and allowed the continuance of such said policy. The defendant was grossly negligent in supervising subordinates who enforced the policy. The defendant exhibited a deliberate indifference to the rights of inmates by failing to act on a policy which unconstitutional acts were occurring. Major Johnny Biliter knew and should have known without a doubt that the above mentioned claim would inflict a Constitutional injury to the Plaintiff. In addition Major Johnny Biliter is responsible for a conduct that shows a "reckless and callous indifference to the rights of others."

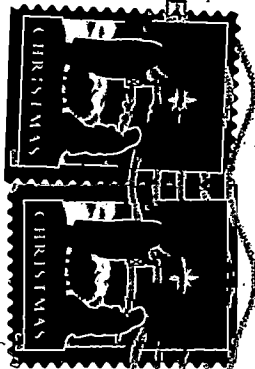
Claim #3., Captain Doug Baker created a policy and/or custom under which unconstitutional practices occurred and allowed the continuance of such said policy. The defendant was grossly negligent in supervising subordinates who enforced the policy. Captain Doug Baker exhibited a deliberate indifference to the rights of inmates by failing to act on a policy which unconstitutional acts were occurring. Captain Doug Baker knew and should have known reasonably that the above mentioned policy would inflict a Constitutional injury to the plaintiff. In addition Captain Doug Baker is responsible for a conduct that shows a "reckless and callous indifference to the rights of others."

Claim #4., On approx., 2-16-17 Officer Tim Biliter asked me to pack all of my personal property because I was being moved to a different pod. After I packed all of my personal belongings he then escorted me to the SHU without reason or a disciplinary charge. Officer Biliter violated my Due Process of Law according to the U.S. Constitution. Officer Biliter then told me that I was never going to come out of Segregated Confinement.

James Lee Cecil Jr  
4444 Hummingbird Ln  
Dublin V.A. 24084

Clerk, U.S. District Court  
210 Franklin Rd Sw, RM: 540  
Roanoke V.A. 24011

GREENSBORO NC 274  
MIDNIGHT TREAD ARE  
25 APR 2008 PM 4:1



24011-221495

